

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (Cr) No. 78 of 2016**

- Rajendra Kumar Yadav S/o late Shri Kaalicharan Yadav, aged about 36 years, Resident of Village Dadarkhurd, Post Manikpur, Police Station, Korba, Civil and Revenue District Korba (CG) through his real brother namely Rajdev, son of late Shri Kaalicharan Yadav, aged about 34 years, Resident of Village Dadarkhurd, Post Manikpur, Police Station, Korba, Civil and Revenue District Korba (CG).

---- Petitioner

Versus

State of Chattisgarh through SHO Police Station AJAK, Civil and Revenue District Korba (CG).

---- Respondent

For Petitioner
For Respondent

Shri Chandra Bhushan Kesharwani, Advocate.
Shri SP Kale, Deputy Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/03/2016**

1. The present writ petition has been preferred seeking a direction to the Presiding Officer, Special Court, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short, the Act), Korba, for concluding the trial expeditiously.
2. A bare perusal of the petition would show that the petitioner in the instant case was arrested on 09.01.2015 for the alleged offence under Sections 420,419,467,468,471/34 IPC and under Section 3(1)(4) of the Act. The case before the court below has now reached at the stage of recording evidence

and the anxiety of the petitioner is that there is slow progress in trial, and therefore, a direction may be issued to the court below to conclude the trial expeditiously.

3. The law so far as exercise of extraordinary jurisdiction by the High Court under Article 226 of the Constitution of India is now well settled. The High Court should exercise its extraordinary jurisdiction only when there is failure of justice or misuse of judicial mechanism or procedure. In the instant case, the petitioner has not been able to make out any of the above features in which this court could have exercised extraordinary writ jurisdiction.
4. Even otherwise, the petitioner has not been able to make out the case wherein this court should invoke its extraordinary jurisdiction for issuance of any specific direction to the trial court when the matter has already reached at the stage of recording evidence. If at all, if the petitioner feels aggrieved by any of the proceedings drawn by the court below, he has also an appropriate remedy of preferring a petition under Section 482 Cr.P.C.
5. For the forgoing reasons, the present petition in its given form is totally misconceived and devoid of merit. Accordingly, the same is dismissed. No order as to costs.

Sd/-
(P.Sam Koshy)
JUDGE